

REMARKS

Restriction

The examiner indicates, OA1 at 2 paragraph 1, that he understood Applicant's previous election to be without traverse. Applicant respectfully traverses this finding and the withdrawal from consideration of Claims 7 - 9 and 17. Though Applicant may not have used the term "traverse" explicitly in his election, the election clearly was made with the intent that the examiner consider Claims 7 - 9 and 17 under the contingency that a genus claim could be found allowable. Applicant had no intention of withdrawing, and did not withdraw, Claims 7 - 9 and 17 from consideration.

In light of amendments hereinbelow to the claims, one or more genus claims are rendered allowable, and such allowability does not depend upon the features by which the examiner distinguished between the elected claims and those treated as withdrawn. Applicant respectfully requests reinstatement of Claims 7 - 9 and 17 in light of the allowability of said genus claim(s).

Drawing changes

Figure 6 has been amended to correct a section reference to Figure 7 from Figure 11 in two places. Likewise, Figure 7 has been amended to correct two section references, to Figure 5 from Figure 9 and to Figure 6 from Figure 10, both in two places. This amendment conforms the indicated figures to the Specification at 4 lines 17 - 22, where the respective cross sections are discussed.

The correction is needed to eliminate an artifact of figure re-numbering which occurred before the application was filed. Figures 5, 6 and 7 had been numbered 9, 10 and 11 respectively. The change found its way into the Specification at the page and lines indicated above, and in the Figure numbers themselves, but the section references in those figures was not changed. No new matter has been added.

AMENDMENTS TO THE DRAWINGS

Please amend the drawings as follows:

1. In Figure 6, amend the drawing reference in the cross section indicator from 11 to 7, indicating that the section is shown in Figure 7, not Figure 11.

2. In Figure 7, amend the drawing reference in the section indicator to the left from 9 to 5, indicating that the view is shown in Figure 5, not Figure 9. Likewise, amend the drawing reference in the section indicator beneath Figure 7 from 10 to 6, indicating that the view is shown in Figure 6, not Figure 10.

Redline marked copies of Sheet 2/5, containing the above Figures 6 and 7, accompany this response. A replacement for Sheet 2/5 has been conveyed on even date herewith to the Official Draftsman, with indication that this amendment is being submitted herein to the examiner for review.

Though the examiner required drawing changes in response to his rejection of Claim 5 under 35 U.S.C. § 112, Applicant respectfully traverses this requirement for the reasons discussed below under the heading “Rejections under 35 U.S.C. § 112.” No changes have been made to the drawings in this regard.

Informalities

For convenience in reference thereto herein, Applicant has provided line numbers to selected paragraphs from the Specification that have been amended herein. Though two paragraphs may occur on the same page, suggesting continuous line numbering throughout both paragraphs, this has *not* been done. Applicant also has line numbered all claims in the list of claims, regardless of whether or not the claims have been amended herein. Line numbering in either case may not match the line numbering as originally filed because of the difference in paper width between A4 and letter size paper.

Applicant has corrected a number of informalities. The reason for each amendment is obvious from the context. No new matter has been added. Discussion of each follows:

Specification at 11 line 8. Applicant has replaced the pronoun “it” with the term “ball 31” in one place to eliminate a potential ambiguity as to which noun the pronoun refers in the sentence as filed. It is clear from the context that “it” refers either to ball 31 or to tool 1, the latter of which is the object of pronoun “it” in its other occurrence in the same line immediately after the parenthetical. This amendment resolves the ambiguity. No new matter has been added.

Specification at 13 line 24. Applicant has replaced the word “thee” with the article “the” in one place. The propriety of this change is apparent from the context, the replaced term merely being a misspelling of the corrected term. No new matter has been added.

Claim 4. Claim 4 has been amended to eliminate an antecedent basis problem in the term “the proximate end” in line 2, which term does not appear in Claim 4 nor in Claim 1 from which it depends. The amendment replaced this term with terms not requiring antecedent basis in Claim 1 nor in Claim 4.

Claim 20. Claim 20 has been amended at line 7 to eliminate a double occurrence of the connective article “and” which also appears at the end of the previous line. The propriety of this amendment is obvious from the context.

Rejections under 35 U.S.C. § 112

Claim 5. Regarding the examiner’s rejection of Claim 5 for lack of enablement, Applicant respectfully traverses this finding. The examiner indicates, OA1 at 3 paragraph 4, that he does not see how the plug is adapted to receive the tang in a plurality of angular positions about an axis, and alleges that the Specification and Drawings do not show it.

Tang 5 is symmetric about an axis running its length, said axis coinciding with axis A of shaft 25 when tang 5 is installed in slot 19. Tang 5 thus can be placed in either of two (minimum for a “plurality” which requires at least two or more) angular (180 degrees apart) positions about an axis (axis A).

This is discussed several places in the Specification. The Specification at 5 line 16 mentions this feature and refers to a further discussion thereof “below.” In the Specification at 8, lines 4 - 13, a whole paragraph is dedicated to discussion of this reversibility and why it is included and important and a matter of preference for the golfer. Specifically, reversing the position of tang 5 changes the location of shelf 7 relative to a projection (not shown) of the grip profile (vertically in Figures 1 and 3) such that shelf 7 either lies within that profile (Figure 1) or extends outside such profile (see Figure 3). Finally, the Specification at 10 lines 16 - 29 discusses a similar feature of the alternate embodiment, and at lines 20 - 22 distinguishes it from this feature in the preferred embodiment.

Thus, the Specification and Drawings clearly show the feature of Claim 5 of having a plug 17, having slot 19 and adapted to receive tang 5 in at least two (a plurality) of angular positions about axis A. A plurality of course, could include other configurations, wherein the tang 5 could be positioned in any one of several more than two positions, but this still would be just a “plurality” of positions. Accordingly, Applicant has made no changes to the drawings as none are necessary.

Claims 6 and 13. Regarding the examiner’s rejection of Claims 6 and 13 for lack of antecedent basis in the terminology “... larger than an outside dimension of the shaft ...”, Applicant thanks the examiner for calling his attention to this problem. Applicant has replaced the term “outside” with the term “inside” in one place in line 2 of each claim. Claims 6 and 13 now comport with their support in the Specification at 7 lines 21 - 22, and with the figures, specifically Figure 3.

Claims 18 - 20. Regarding the examiner’s rejection of Claim 18 for indefiniteness due to a perceived ambiguity surrounding the word “may” in line 15, Applicant again thanks the examiner for being alert to this potential problem. Applicant believes the term is correct as filed. The function of actually penetrating the prongs into the ground is the subject matter of the next step at lines 17 - 18, and the previous step at lines 15 - 16 enables the next step by positioning those prongs where they *may* be urged into penetrating the ground. However, without conceding the ambiguity or the need for amendment for patentability, Applicant has amended Claim 18 to replace the term “may” with the terms “are adapted to” in one place in line 15 to guard against such possible misunderstanding.

Applicant believes this amendment renders Claim 18 allowable without further changes, as the examiner indicated, OA1 at 9 paragraph 15. Since Claim 19 depends from Claim 18, it too should be allowable because of the changes to Claim 18.

Because Claim 20 was not intended to be withdrawn by Applicant, it also should be rendered allowable by this amendment, which allowance Applicant respectfully requests.

Prior Art Rejections

Claims 1 - 13. Regarding the examiner's rejection, OA1 at 4 paragraph 8, of Claim 1 under 35 U.S.C. § 102 as unpatentable over Torelli, and the examiner's indication, OA1 at 8 paragraph 13, that Claim 2 would be allowable if written in independent form, Applicant has amended Claim 1 to include the additional feature from Claim 2 of prongs extending from the shelf opposite the backstop. This renders Claim 1 effectively equivalent to Claim 2 written in independent form.

Claim 2 has been canceled as redundant with Claim 1. Claim 3, which depended from Claim 2, has been amended to depend directly from Claim 1.

The addition of the new limitation from Claim 2 into Claim 1 further renders allowable Claims 3 - 13, which depend directly or indirectly from amended Claim 1, coupled where necessary, that is, with amendments in response to other rejections thereof addressed elsewhere herein.

The above amendment to Claim 1 also renders it an allowable genus claim from which Claims 7 - 9 also depend, making them allowable as well though the examiner regarded them as withdrawn. Applicant respectfully requests their reinstatement and allowance as well.

Claims 15 - 17. Regarding the examiner's rejection, OA1 at 5 paragraph 10, of Claim 15 under 35 U.S.C. § 103 as unpatentable over Torelli in view of Tarrant, Applicant has amended Claim 15 at lines 9 - 11 to recite the feature of Claim 10 that the examiner held, OA1 at 8 paragraph 13, would render Claim 10 allowable if rewritten in independent form. Specifically, the feature of a gap formed between the backstop and the body to receive a strap, belt or other storage means now is included in the apparatus being provided in Claim 15. Though Claim 15 is not Claim 10 re-written in independent form, the apparatus provided in Claim 15 includes substantially all the features of Claim 10 and should be allowable without further amendment, the examiner not having indicated any further difficulties with Claim 15 as filed. Language in lines 10 - 11 of Claim 15 (as filed) has been deleted as unnecessary.

The addition of the new limitation from Claim 10 into Claim 15 further renders allowable Claims 16 - 17, which depend directly from amended Claim 15, coupled where necessary, with amendments in response to other rejections thereof addressed elsewhere herein.

The above amendment to Claim 15 also renders it an allowable genus claim from which Claim 17 also depends, making it allowable as well though the examiner regarded it as withdrawn. Applicant respectfully requests reinstatement and allowance of Claim 17 as well.

Claim 21. Regarding the examiner's rejection, OA1 at 7 paragraph 12, of Claim 21 under 35 U.S.C. § 103 as unpatentable over Torelli in view of Tarrant and Berndt, Applicant has amended Claim 21 at lines 9 - 10 (as amended) to recite the feature of Claim 10 that the examiner held , OA1 at 8 paragraph 13, would render Claim 10 allowable if rewritten in independent form. Specifically, the feature of a gap formed between the backstop and the body to receive a strap, belt or other storage means now is included in the apparatus being provided in Claim 21. Though Claim 21 is not Claim 10 re-written in independent form, the apparatus provided in Claim 21 includes substantially all the features of Claim 10 and should be allowable without further amendment, the examiner not having indicated any further difficulties with Claim 21 as filed..

Claim 22 - 26. Regarding the examiner's indication, OA1 at 8 paragraph 13, that Claim 10 would be allowable if rewritten in independent form, Applicant has added new Claim 22 which comprises Claim 10 so rewritten.

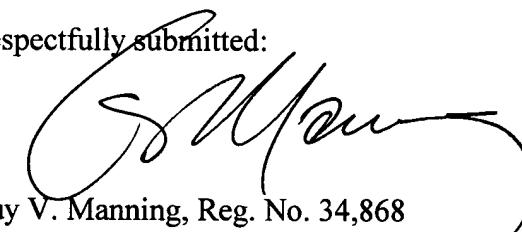
Claims 23 - 26 have been added to depend from new independent Claim 22 and recite the additional features of the coupling means. Claims 23 - 26 substantially correspond to Claims 4 and 7 - 9.

Additional prior art to be considered

Applicant has file an Information Disclosure Statement pursuant to 37 CFR 1.97(c)(2) to call to the examiner's attention additional prior art not considered during his initial examination. Applicant has paid the required fee under 37 CFR 1.17(p). Applicant believes that the claims, as filed and amended, are allowable over this additional prior art, but wishes them to be made of record in this case.

Applicant now believes that all rejected and new claims in Applicant's application now are in condition for allowance, which allowance Applicant respectfully requests.

Respectfully submitted:



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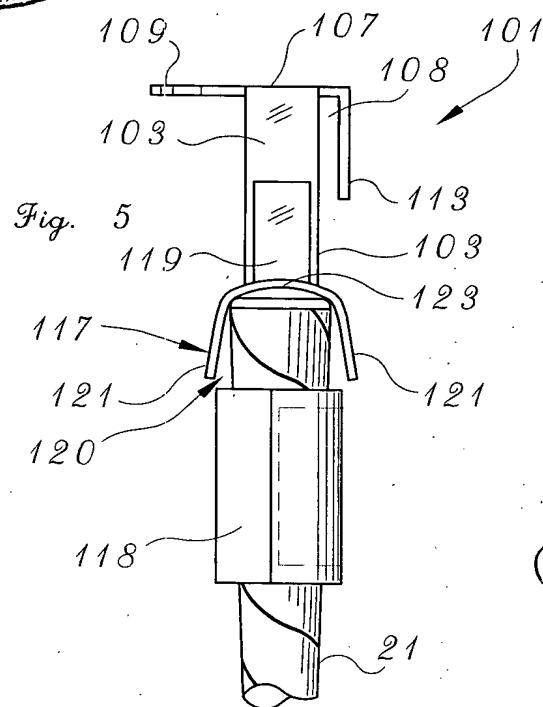


Fig. 5

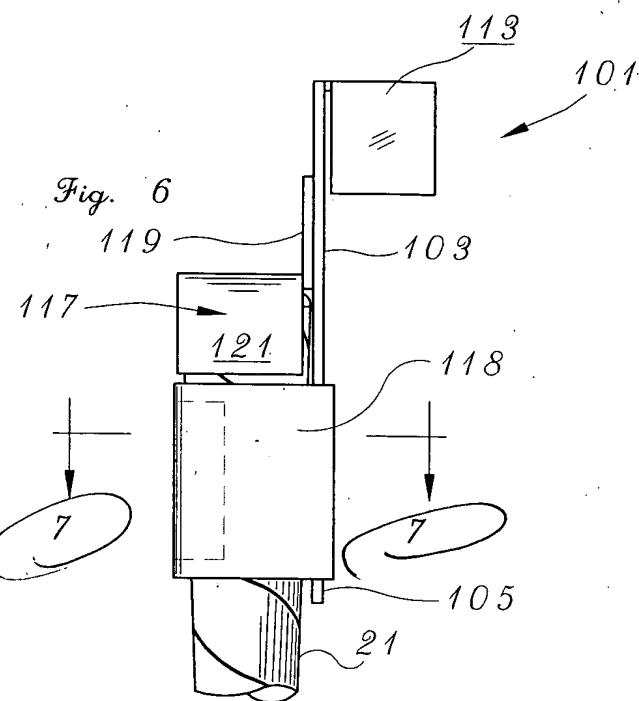


Fig. 6

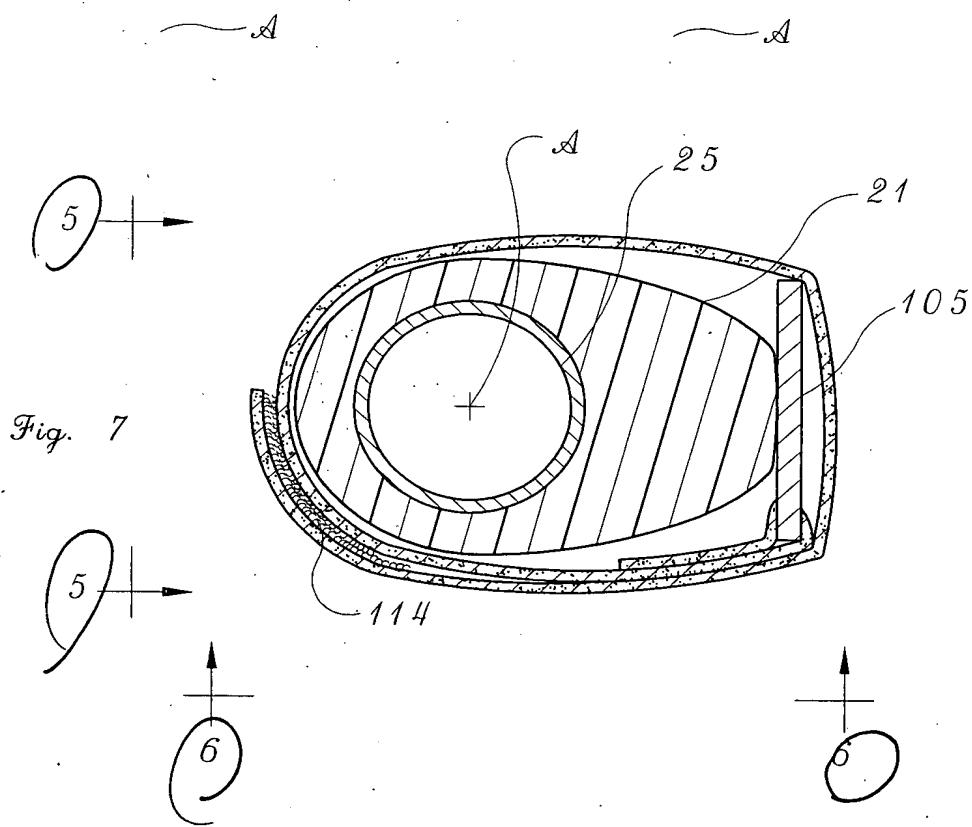


Fig. 7



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